

15

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

v.

Plaintiff(s), BENJAMIN WILKES

Case:2:16-cv-12670

Judge: Edmunds, Nancy G.

MJ: Whalen, R. Steven

Filed: 07-19-2016 At 10:46 AM

CMP WILKES V. LSG GROUP (DA)

Defendant(s).

LSG GROUP d/b/a SKY CHEFS, Inc.,COMPLAINT

- I. Defendant(s). Print the full name for each defendant. If there are more defendants, use additional pages to provide their names.

Name of Defendant(s)1. LSG GROUP, d/b/a SKY CHEFS, Inc.2. Mohammed Moukh

3. _____

4. _____

5. _____

- II. Statement of claim. Briefly state the facts of your case. Describe how each defendant is involved, and exactly what each defendant did, or failed to do. Include names of any other persons involved, dates, and places. You may use additional paper if necessary.

Title VII of Civil Rights ActRace discrimination hostile work env. retaliation

III. Relief. Briefly state exactly what you want the court to do for you.

WHEREFORE PLAINTIFF RESPECTFULLY REQUESTS THIS HONORABLE COURT
TO ENTER A JUDGMENT, HOLDING DEFENDANT LIABLE FOR COMPENSATORY
DAMAGES INCLUDING, BACK PAY, FRONT PAY, BACK AND FRONT BENEFITS,
EMBARRASSMENT AND HUMILIATION, PAIN AND SUFFERING HARM TO REPUTATION,
AND ALL OTHER SUCH RELIEF THIS COURT DEEMS JUST AND EQUITABLE.

IV. Additional Information. – Briefly enter any additional information, you may use additional paper.

V. Demand for Jury Trial. Check this box if you want your case to be decided by a jury, instead of a judge.

☒ Plaintiff demands a jury trial on all issues.

Dated: 07/19/2016

Benjamin Wilkes
Plaintiff's Signature

Benjamin Wilkes
Plaintiff's Printed Name

P.O. Box 103
Street Address

Belle Isle MI 4801
City, State, Zip Code

734-796-3841
Telephone Number

Benjamin T Wilkes
E-mail Address GMAL.COM

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

BENJAMIN WILKES,

Plaintiffs,

v

LSG GROUP d/b/a SKY CHEFS, Inc.,

Defendant.

Case No.
Hon.

COMPLAINT AND DEMAND FOR TRIAL BY JURY

NOW COMES Plaintiff, BENJAMIN WILKES and for his Complaint against Defendant, LSG Group, d/b/a Sky Chefs, Inc., states the following:

INTRODUCTION

1. Plaintiff Benjamin Wilkes was a hardworking and conscientious employee of Defendant LSG Group, d/b/a Sky Chefs, Inc. ("Sky Chefs"). In or around February 2016, an employee of Sky Chefs, Mr. Mohammed Moukh, began to harass Plaintiff due to Plaintiff's race. Plaintiff complained about this harassment to numerous supervisors. However, nothing was done to correct Mr. Moukh's behavior and the harassment continued. In March 2014, Plaintiff was assaulted by Mr. Moukh. Plaintiff also complained about this assault to supervisors. Eventually, on April 8, Plaintiff was terminated due to his race and his repeated complaints about racial discrimination.

PARTIES

2. Plaintiff Benjamin Wilkes is an individual who resides in Belleville, Michigan, Wayne County.

3. Defendant LSG Group, d/b/a Sky Chefs, Inc., on information and belief, is a Texas Corporation doing substantial business in Michigan.

JURISDICITON AND VENUE

4. This Court has original jurisdiction over Plaintiffs' claims arising under the Civil Rights Act of 1866, 42 U.S.C. § 1981, as amended by the Civil Rights Act of 1991, pursuant to 28 U.S.C. § 1331.

7. This Court has original jurisdiction under Plaintiff's claims alleging race discrimination, hostile work environment, and retaliation pursuant to Title VII of the Civil Rights Act, as amended, 42 U.S.C. § 2000e *et seq.*

8. This Court is the proper venue pursuant to 28 U.S.C. § 1391(b).

GENERAL ALLEGATIONS

9. Plaintiff Benjamin Wilkes began his employment at Sky Chefs on or about April 17, 2015. During the time he spent at Sky Chefs he was promoted twice, eventually working as a driver. However, he was terminated in result of the events alleged herein around April 8, 2016.

10. In or around February 2016, Plaintiff began to experience problems with an employee of Sky Chef's named Mohammed Moukh.

11. Mr. Moukh would routinely use racial slurs at Plaintiff, including “blackie” and “nigger.”

12. Plaintiff complained about this treatment to his supervisors, including DeAngelo, but nothing was done to change the behavior or discipline Mr. Moukh.

13. In or around March 2016, Plaintiff was assaulted by Mr. Moukh.

14. Plaintiff reported this incident to his supervisors, who told him he would no longer be required to work with Mr. Moukh.

15. Despite this assurance, Plaintiff was soon assigned to work with Mr. Moukh.

16. Soon thereafter, on April 4, 2016, Plaintiff was suspended.

17. On April 8, 2016, Plaintiff was terminated due to his race and in retaliation for the reports he made regarding Mr. Moukh.

COUNT I
HOSTILE WORK ENVIRONMENT- 42 U.S.C. § 1981

34. Plaintiff incorporates by reference all preceding paragraphs.

35. As an employee of Defendant, Plaintiff had a contractual relationship with the Defendant.

36. Defendant intentionally created a hostile workplace for minority employees by showing favoritism to non-African American employees and failing to investigate reports made by African-American employees of harassment and assault.

37. Defendant intentionally retaliated against employees, including the Plaintiff, who spoke out against the racially discriminatory environment and the treatment of minority employees.

38. Defendant's intentional discrimination and hostile work environment is in violation of the rights of the Plaintiff afforded by the Civil Rights Act of 1866, 42 U.S.C. § 1981, as amended by the Civil Rights Act of 1991.

39. In its' discriminatory actions as alleged above, Defendant acted with malice or reckless indifference to the rights of the Plaintiff as an African-American, thereby entitling him to an award of punitive damages.

WHEREFORE Plaintiff respectfully request this Honorable court to enter a judgment, holding Defendant liable for compensatory damages including; back pay, front pay, back and front benefits, embarrassment and humiliation, pain and suffering, harm to reputation, and all other such relief this Court deems just and equitable. Plaintiff also requests this Court award punitive damages and attorney's fees and costs.

COUNT II
RETALIATION- 42 U.S.C. § 1981

40. Plaintiff incorporates by reference all preceding paragraphs.

41. Defendant terminated its contractual relationship with Plaintiff in retaliation to Plaintiff's reports regarding the racially discriminatory treatment.

42. Defendant's discrimination and retaliation against Plaintiff is in violation of the rights of the Plaintiff afforded by the Civil Rights Act of 1866, 42 U.S.C. § 1981, as amended by the Civil Rights Act of 1991.

43. In its' discriminatory actions as alleged above, Defendant acted with malice or reckless indifference to the rights of the Plaintiff as an African-American, thereby entitling him to an award of punitive damages.

WHEREFORE Plaintiff respectfully requests this Honorable court to enter a judgment, holding Defendant liable for compensatory damages including; back pay, front pay, back and front benefits, embarrassment and humiliation, pain and suffering, harm to reputation, and all other such relief this Court deems just and equitable. Plaintiff also request this Court award punitive damages and attorney's fees and costs.

COUNT III
HARASSMENT - TITLE VII, 42 U.S.C. § 2000e

44. All preceding paragraphs are incorporated by reference.

45. Plaintiff faced unequal treatment in violation of the rights afforded to Plaintiffs under Title VII, 42 U.S.C. § 2000e.

46. Defendant took adverse employment actions against Plaintiff.

47. As a result of Defendant's conduct, Plaintiff has been harmed.

WHEREFORE Plaintiff respectfully requests this Honorable court to enter a judgment, holding Defendant liable for compensatory damages including; back pay, front pay, back and front benefits, embarrassment and humiliation, pain and suffering,

harm to reputation, and all other such relief this Court deems just and equitable. Plaintiff also request this Court award punitive damages and attorney's fees and costs.

COUNT IV

RETALIATION - TITLE VII, 42 U.S.C. § 2000e

- 48. All preceding paragraphs are incorporated by reference.
- 49. Plaintiff engaged in protected activity.
- 50. Defendant knew of that protected activity.
- 51. Defendant took adverse employment actions against Plaintiff.
- 52. A causal connection exists between the protected activity and the adverse employment actions.
- 53. As a result of Defendant's conduct, Plaintiff has been harmed.

WHEREFORE Plaintiff respectfully requests this Honorable court to enter a judgment, holding Defendant liable for compensatory damages including; back pay, front pay, back and front benefits, embarrassment and humiliation, pain and suffering, harm to reputation, and all other such relief this Court deems just and equitable. Plaintiff also requests this Court award punitive damages and attorney's fees and costs.

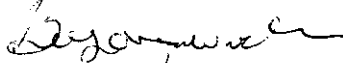
REQUEST FOR RELIEF

WHEREFORE Plaintiff respectfully requests this Honorable court to enter a judgment, holding Defendant liable for compensatory damages including; back pay, front pay, back and front benefits, embarrassment and humiliation, pain and suffering,

harm to reputation, and all other such relief this Court deems just and equitable.

Plaintiff also request this Court award punitive damages and attorney's fees and costs.

Respectfully submitted,


07/19/2016

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

BENJAMIN WILKES,

Plaintiffs,

Case No.
Hon.

v

LSG GROUP d/b/a SKY CHEFS, Inc.,

Defendant.

DEMAND FOR TRIAL BY JURY

NOW COMES Plaintiff, BENJAMIN WILKES, by their attorneys and hereby demands for a trial by jury, for all issues so triable.

Respectfully submitted,

Benjamin Wilkes
07/19/2016

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

BENJAMIN WILKES,

Plaintiffs,

Case No.
Hon.

v

LSG GROUP d/b/a SKY CHEFS, Inc.,

Defendant.

CERTIFICATE OF SERVICE

The undersigned certifies that on _____ the *Complaint and Demand for Trial by Jury* was filed with the Clerk of the Court for the United States District Court, Eastern District of Michigan, Southern Division using the CM/ECF System, which will send notification of such filing to all attorneys and parties of record registered electronically.

Respectfully submitted,

Bernard L.

07/19/2016

US 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
BENJAMIN WILKES

(b) County of Residence of First Listed Plaintiff
WAYNE
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
MILLER COHEN
600 W LAFAYETTE
BLVD #4, DETROIT, MI 48226

DEFENDANTS
LSG GROUP d/b/a SKY CHEFS, Inc.,

County of Residence of First Listed Defendant **WAYNE**
(IN U.S. PLAINTIFF CASES ONLY)

Case: 2:16-cv-12670
Judge: Edmunds, Nancy G.
MJ: Whalen, R. Steven
Filed: 07-19-2016 At 10:46 AM
CMP WILKES V. LSG GROUP (DA)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in one Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input checked="" type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

CONTRACT		TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input checked="" type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) SOCIAL SECURITY <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 FEDERAL TAX SUITS	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement				

V. ORIGIN (Place an "X" in One Box Only)
☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Title VII of Civil Rights Act

VI. CAUSE OF ACTION
Brief description of cause:
Race discrimination, hostile work env, retaliation

VII. REQUESTED IN COMPLAINT:
☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.
DEMAND \$
CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY (See instructions):
JUDGE
DOCKET NUMBER

DATE: 07/19/2016
SIGNATURE OF ATTORNEY OF RECORD: [Signature]

FOR OFFICE USE ONLY

RECEIPT #	AMOUNT	APPLYING IFP	JUDGE	MAG. JUDGE
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PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

☐ Yes

☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ Yes

☒ No

If yes, give the following information:

Court: _____



Case No.: _____

Judge: _____

Notes :

New LawsUIT Check List

Instructions: Put a check mark in the box next to each appropriate entry to be sure you have all the required documents.

<input type="checkbox"/>	Two (2) completed Civil Cover Sheets .	<p>Case: 2:16-cv-12670 Judge: Edmunds, Nancy G. MJ: Whalen, R. Steven Filed: 07-19-2016 At 10:46 AM CMP WILKES V. LSG GROUP (DA)</p>
<input type="checkbox"/>	<p>Enter the number of defendants named in your lawsuit in the blank below, add 2 and then enter the total in the blank.</p> <p style="font-size: 1.2em;"> <input type="checkbox"/> <u>1</u> + 2 = <u>3</u> Complaints. <small># of Defendants Total</small> </p> <p>Received by Clerk: _____ Addresses are complete: _____</p>	
<input type="checkbox"/>	<p>If any of your defendants are government agencies: Provide two (2) extra copies of the complaint for the U.S. Attorney and the Attorney General.</p>	
If Paying The Filing Fee:		If Asking That The Filing Fee Be Waived:
<input type="checkbox"/>	<p>Current new civil action filing fee is attached.</p> <p>Fees may be paid by check or money order made out to:</p> <p style="text-align: center;"><i>Clerk, U.S. District Court</i></p> <p>Received by Clerk: _____ Receipt #: _____</p>	<p><input checked="" type="checkbox"/> Two (2) completed Application to Proceed in District Court without Prepaying Fees or Costs forms.</p> <p style="text-align: right;">Received by Clerk: </p>
Select the Method of Service you will employ to notify your defendants:		
Service via Summons by Self	Service by U.S. Marshal <small>(Only available if fee is waived)</small>	Service via Waiver of Summons <small>(U.S. Government cannot be a defendant)</small>
<p><input type="checkbox"/> Two (2) completed summonses for each defendant including each defendant's name and address.</p> <p>Received by Clerk: _____</p>	<p><input checked="" type="checkbox"/> Two (2) completed USM – 285 Forms per defendant, if you are requesting the U.S. Marshal conduct service of your complaint.</p> <p><input checked="" type="checkbox"/> Two (2) completed Request for Service by U.S. Marshal form.</p> <p style="text-align: right;">Received by Clerk: </p>	<p><input type="checkbox"/> You need not submit any forms regarding the Waiver of Summons to the Clerk.</p> <p><u>Once your case has been filed, or the Application to Proceed without Prepaying Fees and Costs has been granted</u>, you will need:</p> <ul style="list-style-type: none"> One (1) Notice of a Lawsuit and Request to Waive Service of a Summons form per defendant. Two (2) Waiver of the Service of Summons forms per defendant. <p>Send these forms along with your filed complaint and a self-addressed stamped envelope to each of your defendants.</p>
Clerk's Office Use Only		
<p>Note any deficiencies here:</p>		